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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 JESUS ROMERO, a Minor, by and
11 through his Guardian ad Litem,
12 MERIDA RAMOS; MARCOS
13 ROMERO, a Minor, by and through
14 his Guardian ad Litem, MERIDA
RAMOS; and PERLA ROMERO, a
Minor, by and through her Guardian
ad Litem, MERIDA RAMOS,

Plaintiff,

15 v.

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17 MACY'S, INC., fka FEDERATED
18 DEPARTMENT STORES, INC., a
19 Delaware corporation; RALPH
LAUREN CORPORATION, a
Delaware corporation; and DOES 1
through 50, Inclusive,

20 Defendant.
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CASE NO. 15cv815-GPC(MDD)

**ORDER GRANTING IN PART
DEFENDANTS' EX PARTE
MOTION TO MODIFY BRIEFING
SCHEDULE ON THEIR MOTION
FOR SUMMARY JUDGMENT**

[Dkt. No. 68.]

22 On June 29, 2016, Defendants Macy's Inc., Macy's West, Inc. and Ralph Lauren
23 Corporation filed an ex parte motion to modify the Court's briefing schedule on their
24 motion for summary judgment due to vacation plans. (Dkt. No. 68.) Plaintiffs filed
25 an opposition on June 30, 2016 arguing that Defendants failed to comply with Local
26 Civil Rule 83.3(g) by failing to inform the opposing party of their ex parte request by
27 affidavit or declaration. (Dkt. No. 70.) Plaintiffs also assert they are in the midst of
28 discovery and have been in recent discussions with defense counsel concerning the


1 scheduling of depositions and potentially extending discovery deadlines; however,
2 defense counsel did not mention that they intended to file a motion for summary
3 judgment. Despite their objection to defense counsel's conduct, Plaintiffs do not assert
4 they are unable to meet the deadlines shortening the time on briefing or that they seek
5 to extend any discovery deadlines.

6 While the Court agrees with Plaintiffs that Defendants failed to comply with
7 Local Civil Rule 83.3(g)¹ by providing notice of the ex parte motion to Plaintiffs, for
8 purposes of efficiency, the Court GRANTS in part Defendants' ex parte application.

9 Accordingly, IT IS HEREBY ORDERED that any opposition to Defendants'
10 motion for summary judgment be filed on or before **August 12, 2016**. Any reply shall
11 be filed on or before **August 19, 2016**.

12 IT IS SO ORDERED.

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14 DATED: June 30, 2016

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16 HON. GONZALO P. CURIEL
United States District Judge
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25 ¹Local Civil Rule 83.3(g) provides, "[a] motion for an order must not be made
26 ex parte unless it appears by affidavit or declaration (1) that within a reasonable time
27 before the motion the party informed the opposing party or the opposing party's
28 attorney when and where the motion would be made; or (2) that the party in good faith
attempted to inform the opposing party and the opposing party's attorney but was
unable to do so, specifying the efforts made to inform them; or (3) that for reasons
specified the party should not be required to inform the opposing party or the opposing
party's attorney."